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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Implementation of Section 309(j)
of the Communications Act --
Competitive Bidding

PP Docket No. 93-253

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**COMMENTS OF WINDKEEPER COMMUNICATIONS
ON EMERGENCY PETITION FOR WAIVER
FILED BY TELEPHONE ELECTRONICS CORPORATION**

WindKeeper Communications, ("WindKeeper" or the "Company") hereby submits comments on the emergency petition for waiver of Section 24.709 of the Commission's rules that was filed by Telephone Electronics Corporation ("TEC") on March 28, 1995. These comments are submitted in response to the FCC's March 29, 1995 Public Notice concerning the TEC waiver request. Public Notice, DA 95-651, released March 29, 1995.

WindKeeper supports the grant of the limited waiver requested by TEC, with conditions. As explained more fully below, grant of a conditional waiver will serve the public interest under the unique circumstances of this case and therefore is warranted under Sections 1.3 and 24.819(a) of the FCC's rules.

Windkeeper is a female controlled small business that intends to bid for PCS licenses in the C Block auction. The Company and its principal have spent substantial resources and countless hours over the past 18 months building an enterprise that can successfully participate in the FCC auction and build and operate PCS systems. Unfortunately, this vast effort and investment is now fundamentally at risk because of the delay of the C Block auction caused by the D.C. Circuit's stay of the C Block auction in the TEC court appeal. Further delay will irreparably damage WindKeeper and other women\minority owned businesses that are seeking to participate in the PCS business as intended by Congress and the FCC.

In considering TEC's waiver request, the FCC must fully appreciate the negative impact that delay is having on women\minority owned small businesses. While all hopeful participants in the C Block auction are concerned about delay, women\minority owned businesses are particularly hard hit because of the historic problems such businesses have had in raising capital to pursue opportunities in the communications field. Most of WindKeeper's efforts over the past 18 months have been devoted to raising capital to participate in the PCS auction. The indefinite delay in the auction process caused by the TEC stay is threatening to cause a major permanent reduction in capital available for women\minority owned companies. Once these sources of capital dissipate, it will be extremely difficult, if not impossible, to identify new sources and to educate and commit them to invest in PCS.

The Commission must also be cognizant of how resource intensive it is for small companies such as WindKeeper to pursue the process of building a new communications company. Obviously, before PCS licenses are acquired and operations commenced, a start up company has no income and must rely in many cases on the investment of principals to maintain technical and administrative staff and to engage in fundraising efforts. The "burn" rate is high and many women\minority owned small business will simply not survive an extended delay in the commencement of the C Block auction process.

Finally, there is the obvious problem posed by the headstart that the A and B Block auction winners are establishing. Any further delay in the commencement of the C Block auction and licensing process could permanently impact the ability of the Entrepreneurs' Block licensees to compete against well entrenched cellular operators and the A and B Block PCS licensees.

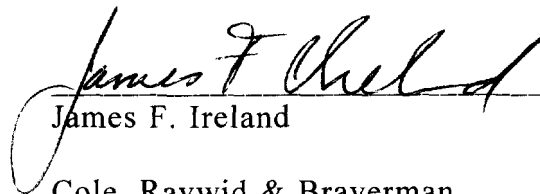
For the reasons explained above, WindKeeper supports the grant of a waiver to TEC as requested, but conditioned upon TEC's dismissal of its appeal with the D.C. Circuit, and the actual dismissal of the case and dissolution of the stay by that court. WindKeeper believes that a significant factor favoring grant of the waiver is the public interest benefit that would accrue by the immediate dissolution of the stay and the prompt resumption of the C Block auction process.

CONCLUSION

WindKeeper has long been a supporter of the FCC's efforts to encourage the participation of women and minority controlled small businesses in PCS.

Unfortunately, the unique opportunity presented by the FCC's PCS rules will be lost if the C Block auction does not commence promptly. For the foregoing reasons, WindKeeper supports the grant of TEC's application for a waiver, provided that the waiver is conditioned on the immediate removal of the barriers that TEC has placed in the way of the C Block auction.

Respectfully submitted,

A handwritten signature in cursive script, reading "James F. Ireland", is written over a horizontal line.

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April 3, 1995

CERTIFICATE OF SERVICE

I, Sally Linzau, hereby certify that I have this 3rd day of April 1995, caused a copy of the foregoing "Comments of WindKeeper Communications on Emergency Petition for Waiver Filed By Telephone Electronics Corporation" to be delivered by first class mail, postage pre-paid to the following:

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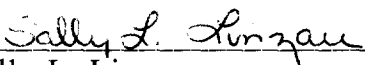
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April 3, 1995